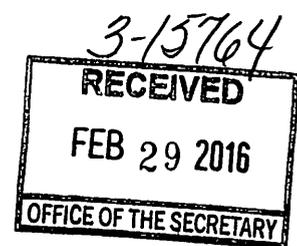


**HARD COPY**



Honorable Cameron Elliot  
SEC Administrative Law Judge  
Securities and Exchange Commission  
100 F. Street, N.E.,  
Mail Stop 1090  
Washington, D.C. 20549-2557

RE: RULING CLARIFICATION  
Case: In the Matter of GARY LYNN MCDUFF

Your Honor:

Because I may have misunderstood the Court's statement on February 20, 2016 that after the Commission's remand none of the IOP allegations remain in issue save for the broker-dealer issue, will the Court clarify it so that if necessary I may seek Rule 400(a) review?

I contend that the Commission's remand order is irrelevant and indeed moot at this point because it reversed this Court's grant of summary judgment in favor of the Division and remanded for this Court to take further summary-judgment-evidence (not ultimate hearing/trial evidence after summary judgment denial) on the broker-dealer issue.

Finding insufficient evidence post-remand to sustain summary judgment this Court denied summary judgment for the Division October 2, 2015. On subsequent OSC and "[c]onstruing the Division's original motion and supplemental filings together as a renewed summary disposition motion," on January 11, 2016 this Court denied post-remand summary disposition a second time. The purpose and scope of the Commission's remand order ended at both said summary disposition denials.

Indeed, the broker-dealer issue was irrelevant for purposes of this Court's ruling on my summary disposition motion because it was presumed true as a matter of law. But because the "Division [] demonstrated that genuine issues of material fact exist[ed] that preclude[d] granting [my] motion for summary disposition[]" (id.), this Court discharged the OSC and denied summary disposition for me as well (id.). Thus even at my summary disposition stage the Commission's remand order as to the broker-dealer issue was immaterial and remains so to date.

The hearing that this Court's ordered on January 11, 2016 ("This matter will proceed to a hearing.") must therefore be a hearing in which all my due process rights to defend the OIP's allegations are due and has nothing to do with the Commission's remand order. For this Court to limit me at such hearing to defend solely on the broker-dealer issue is to punish me for exercising my Commission review rights and to reward the Division for filing, and losing, a summary judgment motion.

Accordingly, if this Court in fact intends to limit my hearing to the broker-dealer issue I respectfully request clarification thereof to timely request Rule 400(a) interlocutory review.

Sincerely,



Gary Lynn McDuff,  
Respondent In *Pro Se*

cc: Janie Frank